

REMARKS/ARGUMENTS

Favorable reconsideration of the above-identified patent application, in light of the above amendments and the following remarks is respectfully requested. The presently pending claims are claims 1, 3-8, 10-14, 16-20. Claims 1, 8, 13, 14, and 18 have been amended. Claims 2, 9, and 15 have been canceled.

The Examiner stated that the application currently names joint inventors and that the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. The Examiner also stated that the Applicant has an obligation under 37 CFR 1. 56 to point out the inventor and invention dates of each claim that not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a). In response, the Applicant respectfully disagrees. The application only names one sole inventor, David M. Smith. A copy of the Filing Receipt was sent in the response to the First Office Action.

The Examiner also rejected claims 1, 3-8, 10-12, 14, 16, 17, 19, and 20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,668,955 to deCiutiis et al. (deCiutiis) in view of U.S. Patent No. 5,898,756 to Manning et al. (Manning).

The Examiner objected to claims 2, 9, 13, 15, and 18 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the elements of the base claim and any intervening claims. In response, the Applicant has amended claim 1 to incorporate the elements of claim 2. Claim 2 has been canceled. Claims 3-7 depend from

amended independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. The Applicant has also amended independent claim 8 to include the limitations of claim 9. Claim 9 has been canceled. Claims 10-13 depend from amended independent claim 8 and recite additional limitations in combination with the novel elements of claim 8. The Applicant has amended independent claim 14 incorporating the limitations of claim 15. Claim 15 has been canceled. Claims 16-20 depend from amended independent claim 14 and recite additional limitations in combination with the novel elements of claim 14. Therefore, the withdrawal of the rejection and the allowance of claims 1, 3-8, 10-12, 14, 16, 17, 19, and 20 is respectfully requested.

In response, the Applicant has amended independent claims 1 and 8 to better differentiate Applicant's invention from the cited references. Claim 2 depends from amended independent claim 1 and recites additional limitations in combination with the novel elements of claim 1. Claim 9 depends from amended independent claim 8 and recites additional limitations in combination with the novel elements of claim 8. In light of the amended claims and the arguments presented above, the withdrawal of the objection and the allowance of claims 1, 3-8, 10-14, 16-20 is respectfully requested.

CONCLUSION

For all the above reasons, the Applicant respectfully requests the reconsideration and withdrawal of the rejection and the allowance of claims 1, 3-8, 10-14, 16-20.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael L. Diaz", with a stylized flourish at the end.

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Date: October 18, 2004

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